

Decision **DRAFT DECISION OF ALJ PATRICK** (Mailed 1/4/2005)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's Own Motion to Examine Whether  
the Regulations Regarding Prearrangement of  
Charter-Party Transportation Contained in  
General Order 157-C Should Be Revised.

Rulemaking 02-08-002  
(Filed August 8, 2002)

**OPINION ISSUING GENERAL ORDER 157-D  
IMPLEMENTING ASSEMBLY BILL 2591****I. Summary**

The Commission issues General Order (GO) 157-D implementing Assembly Bill (AB) 2591, which strengthens the verification requirements for prearranged charter-party transportation. The Commission concludes that since the Legislature had examined "prearrangement" in the process of passing AB 2591 (including hearing from the various interests involved), there is no need for the Commission to further examine this issue. Accordingly, this proceeding is closed.

**II. Background**

This proceeding was instituted to examine whether the Commission's regulations regarding prearrangement of transportation by charter-party carriers should be revised. The Commission was concerned whether existing regulations were adequate to ensure that carriers do not unlawfully conduct taxicab or taxicab-like operations under their Commission-issued charter-party carrier licenses. The focus of the examination was GO 157-C, Part 3.01, which prescribes requirements for prearranged transportation, including issuance of a waybill.

Seventeen responses to the rulemaking were received, and many of the filed comments related to matters not within the scope of the proceeding.

Subsequently, in February 2004, a bill was introduced in the Legislature by Assembly Member Leno that addressed, among other things, the issue of prearrangement of charter-party transportation. As passed, AB 2591, effective January 1, 2005, strengthens the verification requirements for prearranged transportation. Newly enacted Pub. Util. Code § 5381.5 requires that waybills include identifying information regarding the passenger(s) in the traveling party and whether the transportation was arranged by telephone or written contract. Pub. Util. Code § 5371(h) was amended to provide that a city, county, or city and county may impose reasonable rules for the inspection of waybills of charter-party carriers operating within their jurisdictions for purposes of verifying valid prearranged travel.

### III. Discussion

In response to the legislation, we amend Part 3.01 of GO 157-C, as shown below ( in ***bold italics***):

3.01--PREARRANGED TRANSPORTATION. Class A and Class B charter-party carriers, as defined in Public Utilities Code Section 5383, and carriers holding permits under Public Utilities Code Section 5384(b) shall provide transportation only on a prearranged basis. The party arranging the transportation shall have exclusive use of the vehicle. The driver shall possess a waybill which includes the following:

1. Name of carrier and TCP number
2. Vehicle license plate number.
3. Driver's name.
4. Name and address of person requesting or arranging the charter.
5. Time and date when charter was arranged.

- 6. *Whether the transportation was arranged by telephone or written contract.***
7. Number of persons in the charter group.
- 8. *Name of at least one passenger in the traveling party, or identifying information of the traveling party's affiliation.***
9. Points of origination and destination.

Upon request, the driver shall show the waybill to any Commission or airport enforcement officer, ***or to any official of a city, county, or city and county authorized to inspect waybills pursuant to Public Utilities Code Section 5371.4(h).***

The above changes will be reflected in new GO 157-D, to be issued immediately.

#### **IV. Comments on Draft Decision**

The draft decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Section 311(g)(1) of the Public Utilities Code and Rule 77.7 of the Rules of Practice and Procedure. No comments were received.

#### **V. Categorization and Need for Hearings**

The Order Instituting Rulemaking (OIR) preliminarily categorized this as a quasi-legislative proceeding. It preliminarily determined that an evidentiary hearing would not be necessary. We affirm these preliminary determinations. The OIR suffices for the scoping memo.

#### **VI. Assignment of Proceeding**

Susan P. Kennedy is the Assigned Commissioner and Bertram D. Patrick is the assigned ALJ in this proceeding.

#### **Finding of Fact**

The Legislature issued AB 2591, effective January 1, 2005, to strengthen the verification requirements for prearranged charter-party transportation.

**Conclusions of Law**

1. Existing GO 157-C should be amended to reflect the modifications promulgated by the Legislature in AB 2591.
2. Since the Legislature has examined prearrangement in the process of passing AB 2591, there is no need for the Commission to further examine this issue, and this proceeding should be closed.

**O R D E R**

**IT IS ORDERED** that:

1. General Order (GO) 157-C shall be amended as set forth above and be reissued as GO 157-D.
2. Rulemaking 02-08-002 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.